

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Rules and Regulations Implementing the)	CG Docket No. 02-278
Telephone Consumer Protection Act of 1991)	CC Docket No. 92-90

COMMENTS OF NEUSTAR, INC.

NeuStar, Inc. (“NeuStar”) submits the following comments in response to the Federal Communications Commission’s (“Commission”) Notice of Proposed Rulemaking (“NPRM”) in the above-captioned proceeding.¹ In the NPRM, the Commission reexamines its rules implementing the Telephone Consumer Protection Act (“TCPA”) of 1991² and in doing so, seeks comment on the availability of any technological tools that would allow telemarketers to recognize numbers that have been ported from wireline to wireless phones or to recognize wireless numbers that have been assigned from a pool of numbers that formerly were all wireline.³ NeuStar, as part of its responsibilities as the neutral third party administrator of the Number Portability Administration Center (“NPAC”) and pursuant to its contract with

¹ *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Notice of Proposed Rulemaking and Memorandum Opinion and Order, CG Docket No. 02-278, CC Docket No. 92-90, FCC 02-250 (rel. Sept. 18, 2002) (“NPRM”).

² Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 105 Stat. 2394 (1991), *codified at* 47 U.S.C. § 227 *amending* Title II of the Communications Act of 1934, 47 U.S.C. § 201 *et seq.*

³ NPRM at ¶46.

the North American Portability Management (“NAPM”) LLC,⁴ manages the information sought by the Commission. NeuStar is committed to working with the Commission to determine the best method of making this information available to those who need it to remain in compliance with the TCPA.

The TCPA and its rules “prohibit telephone calls using an autodialer or an artificial or prerecorded voice message to any telephone number assigned to a paging service, cellular telephone service, or any service for which the called party is charged for the call....”⁵ In light of that statutory prohibition, the Commission noted that with the implementation of wireless pooling on November 24, 2002 and competitive wireless porting on November 24, 2003, telemarketers may not be able to differentiate between wireless and wireline numbers. Without this ability, telemarketers using autodialers to call wireless subscribers may violate the TCPA and FCC rules and cause those subscribers to incur additional costs.

Presently, telemarketers are able to distinguish between wireless and wireline subscribers by screening number ranges at the central office code level (10,000 telephone number range) that are assigned to wireless service providers. With the advent of number pooling, telemarketers must screen number ranges at the 1,000 number level. There are publicly available sources of this thousands-block pooling data that contain the information needed by telemarketers.⁶ With the implementation of competitive wireless portability, telemarketers will need to screen telephone numbers at the individual number level to ensure

⁴ NeuStar serves as the NPAC administrator pursuant to its contract with the NAPM LLC. The NAPM LLC is a group of seven regional LLCs, each comprised of members of the telecommunications industry.

⁵ NPRM at ¶41 *citing* 47 U.S.C. § 227(b)(1)(A)(iii) and 47 C.F.R. § 64.1200(a)(1)(iii).

compliance with the TCPA. In actual practice, telemarketers need only to be incrementally concerned with those numbers that have ported from a wireline block to a wireless service provider. TCPA compliance is not affected by wireless to wireless and wireline to wireline competitive porting.

In the NPRM, the Commission notes that NeuStar, as the NPAC administrator, provides Interactive Voice Response (“IVR”) access to public safety and law enforcement agencies and requests comment regarding whether the IVR system would be sufficient to enable telemarketers to determine whether a telephone number is wireless or wireline. The IVR system was created to allow manual queries of the NPAC on a real time basis in order to identify the service provider to which a specific individual telephone number is assigned. Such a system is appropriate for law enforcement and public safety agencies that need only to query information one telephone number at a time, but it would be an unacceptable technical solution for telemarketers that need to perform bulk inquiries of thousands of numbers. Telemarketers need a technical solution that meets their unique needs in an economical and efficient manner and does not add an unnecessary burden to current NPAC service.

To ensure compliance with TCPA in a competitive wireless number portability environment, telemarketers require NPAC data. Specifically, telemarketers must be able to receive NPAC data that will indicate which numbers within a range of numbers, as defined by the telemarketer, have been ported to a wireless provider from a wireline provider or are

(Footnote continued from previous page)

⁶ www.nationalpooling.com/pas/control/blocksreport).

within blocks of 1,000 numbers which are assigned to wireless providers but were pooled from a central office code assigned to a wireline provider.⁷ By providing the information on an exception basis, telemarketers will be able to integrate more easily the information into their internal systems in large batches defined by the needs of the telemarketer.

The NPAC contains competitively sensitive, confidential and proprietary information supplied by service providers. As such, all users of NPAC data are required to sign user agreements affirming that the information they obtain from the NPAC will be used exclusively for rating, routing and billing purposes. For the new purposes of the NPAC data envisioned by the FCC in its NPRM and to be consistent with existing commercial and regulatory restrictions on the use of the data, the Commission should ensure that proper safeguards are in place to adequately protect the confidential and proprietary information.

I. CONCLUSION

The information sought by the FCC necessary to allow telemarketers to comply with the existing TCPA requirements in a competitive wireless porting environment is available in the NPAC and NeuStar, as the current NPAC Administrator, is committed to working with the FCC and the telemarketing industry to determine the best method for providing the information to telemarketers in a form that does not disclose confidential service provider or customer proprietary information.

⁷ Selected NPAC data also can be made available that provides telemarketers with information regarding which numbers have been pooled or ported from a wireless to a wireline service provider thereby identifying telephone numbers that are no longer restricted under the TCPA.

Respectfully submitted,

Kimberly Wheeler Miller

NeuStar, Inc.
1120 Vermont Avenue, N.W., Suite 400
Washington, D.C. 20005
(202) 533-2912

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